GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:3781
ANSWERED ON:19.03.2015
SC /ST ACT
Mishra Shri Bhairon Prasad

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is mandatory to try SC/ST cases under Scheduled Tribe(Prevention of Atrocities) Act;

(b) if so, the details thereof; and

(c) the mechanism in existence to ensure that people are not unnecessarily exploited?

Answer

MINISTER OF LAW AND JUSTICE(SHRI D.V.SADANANDA GOWDA)

(a) & (b) Rule 7(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995, a subordinate legislation under an Act of Parliament, namely, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities){PoA}, Act,1989, specifies that an offence committed under the PoA Act, shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police(Dy.S.P.). Rule 7(2) of the aforesaid Rules stipulates that the Investigating Officer shall complete the investigation on top priority within thirty days and submit the report to the Superintendent of Police who in turn will immediately forward the report to the Director General of Police of the State Government.
Section of 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities){PoA}, Act, 1989, specifies that for the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for each district a Court of Session to be a Special Court to try the offences under this Act. Accordingly, State Governments and Union Territory Administrations of Andhra Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttarakhand, Uttar Pradesh, West Bengal, Andaman & Nicobar Islands, Chandigarh, Daman & Diu, NCT of Delhi and Puducherry have designated District Session Courts as Special Courts. Further, to accelerate the pace of trial of cases under the PoA Act, 192 exclusive Special Courts have also been set up by the States namely Andhra Pradesh (13), Bihar (11), Chhattishgarh (6), Gujarat (26), Karnataka (8), Kerala (2), Maharashtra (2), Madhya Pradesh (43), Rajasthan (25), Tamil Nadu (4), Telangana (10), Uttar Pradesh (40) and Uttarakhand (2).

(c) : For dealing with specific false cases under the PoA Act, relevant Sections of the IPC can be invoked by the concerned agencies.